

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL NO. 02-00182-001-CG
)
)
SHAWNTELLE DEMOND MAY,)
)
)
Defendant.)

ORDER

This matter is before the court on defendant's Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2). (Doc.53)

Effective November 1, 2007, the United States Sentencing Commission enacted Amendment 706 to the United States Sentencing Guidelines. In general, that Amendment operates to reduce the guideline ranges for particular quantities of crack cocaine, such that the base offense level falls by two levels. The Commission has deemed this amendment to apply retroactively. See U.S.S.G. § 1B1.10(c); Amendments 712 and 713. Through his motion, defendant seeks to have the court apply the modified Guidelines scheme for crack cocaine offenses to his sentence. Pursuant to 18 U.S.C. § 3582(c)(2), the court is empowered to reduce defendant's sentence under these circumstances. See generally United States v. Armstrong, 347 F.3d 905, 909 (11th Cir. 2003) ("amendments claimed in § 3582(c)(2) motions may be retroactively applied solely where expressly listed under § 1B1.10(c)").

After review of the motion and all relevant factors prescribed by § 1B1.10 and Application Note 1(B) to same, the court has determined that a reduction of sentence based on the amended guideline range may be appropriate in this case. Defendant's original guideline

range was 151 to 188 months, and the court imposed a low-end sentence of 151 months as to Count Two, followed by 60 months consecutive on Count Three. According to the revised guidelines calculation prepared by the United States Probation Office, defendant's new guideline range is 121 to 151 months after retroactive application of Amendment 706. Imposing a similar low-end sentence in this case would result in a sentence of 121 months on Count Two. Unless either party files a written objection on or before **June 6, 2008**, the court will enter an order reducing defendant's term of imprisonment to **121 months** on Count Two, followed by 60 months consecutive on Count Three.

DONE and **ORDERED** this 7th day of May, 2008.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE